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PTC (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
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REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional)

PG4113US2

In re Application of: Karl Andrew GARRILL, et al.

Application No.: 09/971,799

Filed: 10/03/2001

For: METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG

The owner, SmithKline Beecham Corp, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/311,819, filed on December 19, 2002, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

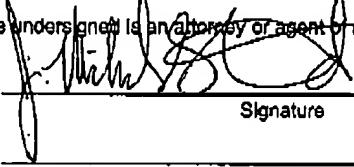
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney or agent of record. Reg. 47,115


Signature

January 12, 2006
Date

J. Michael Strickland
Typed or printed name

(919) 483-9024
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

		Application Number	09/971,799
		Filing Date	06/22/2000
		First Named Inventor	Karl Andrew GARRILL
		Art Unit	3728
		Examiner Name	Jerry Johnson
Total Number of Pages in This Submission		Attorney Docket Number	PG4113USZ

ENCLOSURES (Check all that apply)

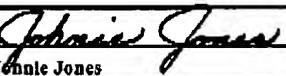
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The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	J. Michael Strickland		
Date	January 12, 2006	Reg. No.	47,115

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Date January 12, 2006 **Pages Including cover** 3

Subject

Re: Application of GARRILL, et al.
Serial No.: 09/971,799; Filed: 06/22/2000
Attorney Docket No. PG4113US2

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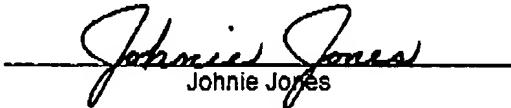
Tel: 919 483 2100
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2. Copy of Terminal Disclaimer for US Application No. 10/311,819

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